



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

APR 20 2001

Captain Bruce Bugg
Hazardous Materials Specialist
Georgia Public Service Commission
244 Washington Street SW
Atlanta, GA 30354

Ref. No. 01-0054

Dear Captain Bugg:

This responds to your February 13, 2001 letter requesting clarification of requirements for the transportation of batteries under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask if batteries resting on a rubber friction mat that are pushed forward so they are against the forward wall of a compartment meet the requirements of § 173.159(e)(2).

The answer is no. Batteries must be loaded or braced in order to prevent damage and short-circuits during transit. Batteries that are simply resting on a rubber friction mat and pushed forward so they are against the forward wall of a compartment are not braced to prohibit lateral or aft movement.

I trust this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,



John A. Gale

Transportation Regulations Specialist
Office of Hazardous Materials Standards

ERS:

BBA" McDONALD, JR., CHAIRMAN
AKER, JR.
URGESS
HEN
E



Nelson
§173.159(e)
Batteries
01-0054

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

AL HATCHER
DIRECTOR, TRANSPORTATION DIVISION
(404)559-6600

Georgia Public Service Commission


244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30354-5701
(404) 656-4501 or 1-800-282-5813
<http://www.psc.state.ga.us>

February 13, 2001

Mr. Edward Mazzullo
U.S. DOT - RSPA - DHM-10
Office of Hazardous Materials Standards
400 Seventh Street, SW
Washington, DC 20590-0001

Dear Sir:

Enclosed are photographs of a truck inspected by one of our Enforcement Officers. This vehicle transports both new and used batteries that contain acid electrolyte. The vehicle has roll-up doors on both sides with shelving for the batteries. The shelving has a rubber (or similar material) mat that the batteries rest on.

The carrier asserts that simply pushing the batteries forward, so that they are against the forward wall of the compartment, satisfies the requirements of §173.159(e), even if a gap remains to the rear. 

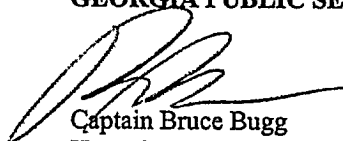
Our agency has long held that to meet the requirements of 49 CFR §173.159(e), the batteries must be positively restrained against motion in some manner, such as:

- (1) A shelf contains a full load of batteries; or,
- (2) Shelves without a full load have a positive restraint device, such as a strap that runs around the batteries, a cargo net over the batteries, or a load restraint bar.

We would appreciate your judgment as to (1) whether a less-than-full compartment of batteries, in which the only load securement device is a friction mat, meets the requirements of 49 CFR §173.159(e), and (2) whether moving all remaining batteries in the compartment forward meets the requirements of 49 CFR §173.159(e). If you need more information, please contact me at 404-559-6627 or by e-mail at: bruceb@psc.state.ga.us.

Sincerely,

GEORGIA PUBLIC SERVICE COMMISSION



Captain Bruce Bugg
Hazardous Materials Specialist.

Enclosures





U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

APR 4 1996

Mr. Walter C. Holmes
Attorney
Interstate Battery System of America, Inc.
12770 Merit Drive, Suite 400
Dallas, Texas 75251

Dear Mr. Holmes:

This is in response to your application for an exemption (Docket 11501-N) dated June 2, 1995, requesting authorization to ship electric storage batteries without bracing in specially designed vehicles equipped with "Mickey Bodies". In accordance with 49 CFR § 107.109(c), your application is denied as being unnecessary for the following reasons:

Section 173.159(e)(2) requires that "The batteries must be loaded or braced so as to prevent damage and short circuits in transit." Your application states that loading in the Mickey Bodies does prevent damage and short circuits and therefore bracing is unnecessary. You also stated that: (1) the shelves in your Mickey Bodies slope downward to the center line of the vehicle; (2) the shelves are covered with a friction surface; (3) the batteries are tightly loaded to the front and inside of each vehicle compartment which is less than full; and (4) the batteries are not double stacked. Your application further states that you tested these design features and operational controls and that, although they allow some inconsequential movement, these features and operational controls prevent damage and short-circuiting. Accordingly, your

application demonstrates that your vehicles, when fabricated and operated as specified in your application, meet the requirements of Section 173.159 (e) (2).

Sincerely,

A handwritten signature in black ink, appearing to read 'Alan I. Roberts', with a stylized, cursive script.

Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety